

**U.S. Department of Justice**

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

May 13, 2025

Via ECF

Honorable Dale E. Ho
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Knight First Amendment Institute at Columbia Univ. v. U.S. Dep't of State et al.*,
22 Civ. 3003 (DEH)

Dear Judge Ho:

This Office represents defendants the U.S. Department of State ("State"), the U.S. Department of Homeland Security ("DHS"), and the Office of the Director of National Intelligence ("ODNI," and collectively with State and DHS, "Defendants" or the "Agencies") in the above-referenced case brought by plaintiff Knight First Amendment Institute at Columbia University ("Plaintiff") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

I write respectfully on behalf of the parties to provide a joint status update pursuant to the Court's order dated January 17, 2025, Dkt. No. 59.

As noted in the parties' last joint status report, Dkt. No. 60, Plaintiff previously requested additional information from the Agencies concerning certain withholdings from the records produced in response to Plaintiff's FOIA request. The Agencies have now provided responses to those requests. In late April 2025, Plaintiff provided additional follow-up questions to State regarding the information it previously provided. State is reviewing those questions and intends to respond.

Additionally, as noted in prior status reports, following discussions between the parties, DHS referred Plaintiff's FOIA request to the following DHS components: U.S. Immigration and Customs Enforcement ("ICE"), the Transportation Security Administration ("TSA"), U.S. Customs and Border Protection ("CBP"), and U.S. Citizenship and Immigration Services ("USCIS"). The status of those referrals is as follows:

- **ICE:** As noted in the last status report, ICE issued responses to the FOIA request dated February 15, 2025, and March 12, 2025. Since the last status report, ICE issued another response dated April 25, 2025, as to records subject to consultations with outside agencies; in that response, ICE released 29 pages in part, with redactions pursuant to FOIA exemptions. ICE has now completed processing the records it located in its initial search. Based on further discussions regarding the scope of ICE's search, however, ICE has agreed to conduct a supplemental search of the files of Tae

Johnson, then-ICE Acting Director, and Patrick Lechleitner, then-ICE Deputy Director, from October 8, 2021, to October 8, 2022, for records responsive to the FOIA request, and to follow up further if that additional search leads to other custodians who may have responsive records from that time period.

- **TSA:** In reviewing the set of records that DHS had previously gathered, TSA determined that it needs to conduct additional searches to determine whether responsive records exist in offices within TSA that were not previously searched. After conducting additional inquiries, TSA is still in the process of tasking searches to offices within TSA. TSA intends to conduct the remaining searches in the next 30 days. Once these searches are complete, it will provide Plaintiff with a revised page count of potentially responsive records and propose a processing schedule to Plaintiff.
- **CBP:** Since the last status report, CBP issued a response on March 31, 2025, noting that it had reviewed 994 pages of records. Of those pages, CBP referred 87 pages for consultation to DHS; withheld 702 pages in full pursuant to FOIA exemptions; determined that 109 pages were non-responsive; and determined that 96 pages were duplicative. Additionally, on April 25, 2025, CBP issued a response as to the 87 pages previously referred for consultation and released those pages in part with redactions pursuant to FOIA exemptions. CBP's response to the FOIA request is now complete.
- **USCIS:** As noted in the last status report, the parties agreed to reduce the volume of potentially responsive records by excluding draft sections of the report at issue in the FOIA request. This agreement reduced the count of potentially responsive pages USCIS is processing to approximately 1,500 pages, or half the original volume. USCIS's initial response was delayed due to agency staffing issues, but USCIS issued an initial response on May 9, 2025. In that response, USCIS noted that it reviewed 501 pages of records, of which it released 124 pages in full or in part; referred 254 pages to DHS for consultation; and determined that 123 were duplicative or non-responsive. USCIS intends to continue to review potentially responsive records at a rate of 500 pages per month until completion of processing.

Pursuant to the Court's January 17 order, the parties will provide another status update in 60 days, by July 14, 2025.¹ If the parties reach an impasse regarding a production schedule or other issues, they will advise the Court of their respective positions and seek a determination from the Court.

¹ Because 60 days from May 13 runs to Saturday, July 12, the deadline is continued until Monday, July 14 under Fed. R. Civ. P. 6(a)(1)(C).

We thank the Court for its consideration of this matter.

Respectfully submitted,

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cc: Counsel of record (via ECF)